

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARIUS DE'MON LAKE,  
Plaintiff,  
v.  
JEREMY ROWE,  
Defendant.

No. 2:23-cv-1518 KJN P  
ORDER

On November 1, 2023, plaintiff filed a document seeking discovery. (ECF No. 20.) However, on October 31, 2023, this action was stayed pending referral to the Post-Screening ADR Project. In due course, this case will be scheduled for an initial settlement conference. Because the case is stayed, plaintiff should refrain from filing motions until the stay is lifted.

Moreover, discovery will not be opened until after the stay is lifted, defendant files a responsive pleading and the undersigned issues a discovery and scheduling order. Then plaintiff may propound his discovery requests to defendant.<sup>1</sup> Plaintiff is informed that court permission is not necessary for discovery requests and that neither discovery requests served on an opposing party nor that party's responses should be filed until such time as a party becomes dissatisfied with a response and seeks relief from the court pursuant to the Federal Rules of Civil Procedure.

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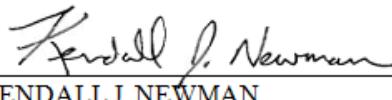
<sup>1</sup> Although plaintiff appears to seek personnel records from defendant's employer, plaintiff must first attempt to obtain such records from defendant once discovery opens. See Fed. R. Civ. P. 34.

1 Discovery requests between the parties shall not be filed with the court unless, and until, they are  
2 at issue. Plaintiff is cautioned that further filing of discovery requests or responses, except as  
3 required by rule of court, may result in an order of sanctions, including, but not limited to, a  
4 recommendation that this action be dismissed.

5 Because plaintiff's request for discovery was improperly filed and is premature, his  
6 motion is denied without prejudice.

7 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion (ECF No. 20) is denied  
8 without prejudice.

9 Dated: November 16, 2023

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11 KENDALL J. NEWMAN  
12 UNITED STATES MAGISTRATE JUDGE

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